

Court of Appeals, State of Michigan

ORDER

Philip R Chapin v A & L Parts Inc

Docket No. 257917

LC No. 03-324775-NP

Kurtis T. Wilder
Presiding Judge

Mark J. Cavanagh

Hilda R. Gage
Judges

The Court, acting under MCR 7.203(F)(2), orders that the motion for reconsideration is DENIED. Even though this Court's review of the circuit court record and outside sources showed that none of the parties involved with this case had filed for bankruptcy regardless of the language used within the circuit court order, the August 8, 2004 order dismissed the claims against rest of the parties without prejudice. This stipulation renders the order non-final since it does not resolve the merits of the remaining claims, and as such, those claims are "not barred from being resurrected on that docket at some future date." *Wickings v Arctic Enterprises, Inc*, 244 Mich App 125, 134-136; 624 NW2d 197 (2000). This method of appealing trial court decisions piecemeal is exactly what our Supreme Court attempted to eliminate through the "final judgment" rule. *City of Detroit v State of Michigan*, 262 Mich App 542, 545; 686 NW2d 514 (2004).

Based on the subsequent history of this appeal, however, this Court treats the claim of appeal as a delayed application for leave to appeal, and it is GRANTED.

Appellants shall file their brief on appeal within 56 days of the filing of the last timely requested transcript or the certification of this order, whichever is later. Appellees may file their brief in response within 35 days of being served with appellants' pleading. The parties may extend these times in accordance with the court rules. MCR 7.212(A)(1)(a)(iii) and 7.212(A)(2)(a)(ii).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 15 2005

Date

Sandra Schultz Mengel
Chief Clerk